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असाधारण

EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संलग्न वी जाती हैं जिससे ऐक पह अलग संकान के स्पष्ट में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 23rd December, 1977:—

BILL No. XVIII OF 1977

A Bill to establish a Press Council for the purpose of preserving the freedom of the Press and of maintaining and improving the standards of newspapers and news agencies in India

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Press Council Act, 1977.

Short title and extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Chairman" means the Chairman of the Council;

(b) "Council" means the Press Council of India established under section 4;

(c) "member" means a member of the Council and includes its Chairman;

(d) "prescribed" means prescribed by rules made under this Act;

(e) the expressions "editor" and "newspaper" have the meanings respectively assigned to them in the Press and Registration of Books Act, 1867, and the expression "working journalist" has the meaning assigned to it in the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.

25 of 1867.

45 of 1955.

Rule of construction respecting enactments not extending to the States of Jammu and Kashmir and Sikkim.

3. Any reference in this Act to a law which is not in force in the States of Jammu and Kashmir and Sikkim shall, in relation to those States, be construed as a reference to the corresponding law, if any, in force in those States.

CHAPTER II

ESTABLISHMENT OF THE PRESS COUNCIL

Incorporation of the Council.

4. (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint, there shall be established a Council by the name of the Press Council of India.

(2) The said Council shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

Composition of the Council.

5 (1) The Council shall consist of a Chairman and twenty-six other members.

(2) The Chairman shall be a person nominated by the Chief Justice of India.

(3) Of the other members—

(a) thirteen shall be nominated in accordance with such procedure as may be prescribed from among the working journalists, of whom six shall be editors of newspapers and the remaining seven shall be working journalists other than editors; so, however, that the number of such editors and working journalists other than editors in relation to newspapers published in Indian languages shall, in either case, be not less than three;

(b) six shall be nominated in accordance with such procedure as may be prescribed from among persons who own or carry on the business of management of newspapers, of whom—

(i) one each shall be a representative of big newspapers, medium newspapers and small newspapers published in Indian languages, and

(ii) one each shall be a representative of big newspapers, medium newspapers and small newspapers published in any other language;

(c) one shall be nominated in accordance with such procedure as may be prescribed from among persons who manage news agencies;

(d) three shall be persons having special knowledge or practical experience in respect of education and science, law, and literature and culture of whom respectively one shall be nominated by the University Grants Commission, one by the Bar Council of India and one by the Sahitya Academy;

(e) three shall be members of Parliament of whom two shall be nominated by the Speaker from among the members of the House of the People (Lok Sabha) and one shall be nominated by the Chairman of the Council of States (Rajya Sabha) from among its members:

Provided that no working journalist who owns, or carries on the business of management of, any newspaper shall be eligible for nomination under clause (a):

Provided further that not more than one person interested in any newspaper or group of newspapers under the same control or management shall be eligible for nomination under clause (a) or clause (b).

Explanation.—For the purposes of clause (b), a "newspaper" shall be deemed to be—

(i) "big newspaper" if the circulation thereof exceeds fifty thousand copies for each issue;

(ii) "medium newspaper" if the circulation thereof exceeds fifteen thousand copies but does not exceed fifty thousand copies for each issue;

(iii) "small newspaper" if the circulation thereof does not exceed fifteen thousand copies for each issue.

(4) Before making any nomination under clause (a), clause (b) or clause (c) of sub-section (3), the Chairman nominated under sub-section (2) in the case of the first Council and the retiring Chairman of the previous Council in the case of any subsequent Council shall, in the prescribed manner, invite panels of names comprising twice the number of members to be nominated from such associations of persons of the categories referred to in the said clause (a), clause (b) or clause (c) as may be notified in this behalf by the Central Government in the case of the first Council and by the Council itself in the case of subsequent Councils.

(5) The Central Government shall notify the names of persons nominated as Chairman and other members under this section in the Official Gazette and every such nomination shall take effect from the date on which it is notified.

6. Subject to such conditions as may be prescribed, the Chairman shall have power to review any nomination made under clause (a), clause (b) or clause (c) of sub-section (3) of section 5 on a representation made to him by any association referred to in sub-section (4) of that section or by any person aggrieved by such nomination or otherwise.

Power to review nominations under certain cases,

**Term
of office
and re-
tirement
of mem-
bers.**

7. (1) Save as otherwise provided in this section, the Chairman and other members shall hold office for a period of three years:

Provided that the Chairman and other members shall continue to hold such office until the Council is reconstituted in accordance with the provisions of section 5 or for a period of six months whichever is earlier.

(2) Where a person nominated as a member under clause (a), clause (b) or clause (c) of sub-section (3) of section 5 is censured under the provisions of sub-section (1) of section 15, he shall cease to be a member of the Council.

(3) The term of office of a member nominated under clause (e) of sub-section (3) of section 5 shall come to an end as soon as he ceases to be a member of the House from which he was nominated.

(4) A member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Council, from three consecutive meetings of the Council.

(5) The Chairman may resign his office by giving notice in writing to the Chief Justice of India, and any other member may resign his office by giving notice in writing to the Chairman; and upon such resignation being accepted by the Chief Justice of India, or as the case may be, the Chairman, the Chairman or the member shall be deemed to have vacated his office.

(6) Any vacancy arising under sub-section (2), sub-section (3), sub-section (4) or sub-section (5) or otherwise shall be filled, as soon as may be, by nomination in the same manner in which the member vacating office was nominated.—

(a) by the Chairman, in a case where such member was nominated under clause (a), clause (b) or clause (c) of sub-section (3) of section 5; and

(b) by the same authority which nominated the member, in any other case,

and the member so nominated shall hold office for the remaining period in which the member in whose place he is nominated would have held office.

(7) A retiring member shall be eligible for re-nomination for not more than one term.

8. (1) The Chairman shall be a whole-time officer and shall be paid such salary as the Central Government may think fit; and the other members shall receive such allowances or fees for attending the meetings of the Council, as may be prescribed

(2) Subject to the provisions of sub-section (1), the conditions of service of members shall be such as may be prescribed.

(3) It is hereby declared that the office of a member of the Council shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament.

**Conditions
of service
of mem-
bers.**

**Commit-
tees of the
Council.**

9. (1) For the purpose of performing its functions under this Act, the Council may constitute from among its members such committees for general or special purposes as it may deem necessary and every committee so constituted shall perform such functions as are assigned to it by the Council.

(2) The Council shall have the power to co-opt as members of any committee constituted under sub-section (1) such other number of persons, not being members of the Council, as it thinks fit

(3) Any such member shall have the right to attend any meeting of the Committee on which he is so co-opted and to take part in the discussions thereat, but shall not have the right to vote and shall not be a member for any other purpose.

10 The Council or any committee thereof shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be provided by regulations made under this Act

11. No act or proceeding of the Council shall be deemed to be invalid by reason merely of the existence of any vacancy in, or any defect in the constitution of, the Council.

Meetings
of the
Council
and Com-
mittees

Vacancies
among
members
or defect
in the
constitu-
tion not to
invali-
date acts
and pro-
ceedings
of the
Council

Staff
of the
Council

12. (1) Subject to such rules as may be made by the Central Government in this behalf, the Council may appoint a Secretary and such other employees as it may think necessary for the efficient performance of its functions under this Act.

(2) The terms and conditions of service of the employees shall be such as may be determined by regulations.

13. All orders and decisions of the Council shall be authenticated by the signature of the Chairman or any other member authorised by the Council in this behalf and other instruments issued by the Council shall be authenticated by the signature of the Secretary or any other officer of the Council authorised in like manner in this behalf.

CHAPTER III

POWERS AND FUNCTIONS OF THE COUNCIL

14. (1) The objects of the Council shall be to preserve the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in India.

(2) The Council may, in furtherance of its objects, perform the following functions, namely:—

(a) to help newspapers and news agencies to maintain their independence;

(b) to build up a code of conduct for newspapers, news agencies and journalists in accordance with high professional standards;

(c) to ensure on the part of newspapers, news agencies and journalists, the maintenance of high standards of public taste and foster a due sense of both the rights and responsibilities of citizenship;

Authenti-
cation of
orders
and other
instru-
ments of
the
Council

Objects
and func-
tions of
the
Council

(d) to encourage the growth of a sense of responsibility and public service among all those engaged in the profession of journalism;

(e) to keep under review any development likely to restrict the supply and dissemination of news of public interest and importance;

(f) to keep under review cases of assistance received by any newspaper or news agency in India from any foreign source including such cases as are referred to it by the Central Government or are brought to its notice by any individual, association of persons or any other organisation:

Provided that nothing in this clause shall preclude the Central Government from dealing with any case of assistance received by a newspaper or news agency in India from any foreign source in any other manner it thinks fit;

(g) to undertake studies of foreign newspapers, including those brought out by any embassy or other representative in India of a foreign State, their circulation and impact.

Explanation.—For the purposes of this clause, the expression "foreign State" has the meaning assigned to it in section 87A of the Code of Civil Procedure, 1908;

(h) to promote a proper functional relationship among all classes of persons engaged in the production or publication of newspapers or in news agencies:

Provided that nothing in this clause shall be deemed to confer on the Council any functions in regard to disputes to which the Industrial Disputes Act, 1947, applies;

(i) to concern itself with developments such as concentration of or other aspects of ownership of newspapers and news agencies which may affect the independence of the Press;

(j) to undertake such studies as may be entrusted to the Council and to express its opinion in regard to any matter referred to it by the Central Government;

(k) to do such other acts as may be incidental or conducive to the discharge of the above functions.

Power to censure.

15. (1) Where, on receipt of a complaint made to it or otherwise, the Council has reason to believe that a newspaper or news agency has offended against the standards of journalistic ethics or public taste or that an editor or a working journalist has committed any professional misconduct or a breach of the code of journalistic ethics, the Council may, after giving the newspaper, or news agency, the editor or journalist concerned an opportunity of being heard, hold an inquiry in such manner as may be provided by regulations made under this Act and, if it is satisfied that it is necessary so to do, it may, for reasons to be recorded in writing, warn, admonish or censure the newspaper, the news agency, the editor or the journalist or disapprove the conduct of the editor or the journalist, as the case may be:

Provided that the Council may not take cognizance of a complaint if in the opinion of the Chairman, there is no sufficient ground for holding an inquiry.

(2) If the Council is of the opinion that it is necessary or expedient in the public interest so to do, it may require any newspaper to publish

5 of 1908.

14 of 1947.

therein in such manner as the Council thinks fit, any particulars relating to any inquiry under this section against a newspaper or news agency, an editor or a journalist working therein, including the name of such newspaper, news agency, editor or journalist.

(3) Nothing in sub-section (1) shall be deemed to empower the Council to hold an inquiry into any matter in respect of which any proceeding is pending in a court of law.

(4) The decision of the Council under sub-section (1), or sub-section (2), as the case may be, shall be final and shall not be questioned in any court of law.

16. (1) For the purpose of performing its functions or holding any inquiry under this Act, the Council shall have the same powers throughout India as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

General powers of the Council

- (a) summoning and enforcing the attendance of persons and examining them on oath;
- (b) requiring the discovery and inspection of documents,
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copies thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or documents; and
- (f) any other matter, which may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to compel any newspaper, news agency, editor or journalist to disclose the source of any news or information published by that newspaper or received or reported by that news agency, editor or journalist.

(3) Every inquiry held by the Council shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.

45 of 1860.

(4) The Council may, if it considers it necessary for the purpose of carrying out its objects or for the performance of any of its functions under this Act, make such observations, as it may think fit, in any of its decisions or reports, respecting the conduct of any authority, including Government.

17. (1) The Council may, for the purpose of performing its functions under this Act, levy such fees, at such rates and in such manner, as may be prescribed, from registered newspapers and news agencies and different rates may be prescribed for different newspapers having regard to their circulation and other matters.

Levy of fees.

(2) Any fees payable to the Council under sub-section (1) may be recovered as an arrear of land revenue.

18. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Council by way of grants such sums of money as the Central Government may consider necessary for the performance of the functions of the Council under this Act.

Payments to the Council.

Fund of
the
Council

19. (1) The Council shall have its own fund; and the fees collected by it, all such sums as may, from time to time, be paid to it by the Central Government and all grants and advances made to it by any other authority or person shall be credited to the Fund and all payments by the Council shall be made therefrom.

(2) All moneys belonging to the Fund shall be deposited in such banks or invested in such manner as may, subject to the approval of the Central Government, be decided by the Council

(3) The Council may spend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the Fund of the Council.

Budget.

20 The Council shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure, and copies thereof shall be forwarded to the Central Government

Annual
report

21. The Council shall prepare once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year, and giving an account of the standards of newspapers and news agencies and factors affecting them, and copies thereof, together with the statement of accounts audited in the manner prescribed under section 23 shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament.

Interim
reports

22. Without prejudice to the provisions of section 21, the Council may prepare at any time during the course of a year, a report giving a summary of such of its activities during the year as it considers to be of public importance and copies thereof shall be forwarded to the Central Government and the Government shall cause the same to be laid before both Houses of Parliament

Accounts
and audit

23. The accounts of the Council shall be maintained and audited in such manner as may, in consultation with the Comptroller and Auditor-General of India, be prescribed.

CHAPTER IV

MISCELLANEOUS

Protec-
tion of
action
taken in
good
faith.

24. (1) No suit or other legal proceeding shall lie against the Council or any member thereof or any person acting under the direction of the Council in respect of anything which is in good faith done or intended to be done under this Act.

(2) No suit or other legal proceeding shall lie against any newspaper in respect of the publication of any matter therein under the authority of the Council.

Members,
etc., to be
public
servants

25. Every member of the Council and every officer or other employee appointed by the Council shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Power to
make
rules.

26. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act:

Provided that when the Council has been established, no such rules shall be made without consulting the Council.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the procedure for nomination of members of the Council under clauses (a), (b) and (c) of sub-section (3) of section 5;

(b) the manner in which panels of names may be invited under sub-section (4) of section 5;

(c) the conditions subject to which, and the manner in which, a representation for review of a nomination may be made under section 6;

(d) the allowances or fees to be paid to the members of the Council for attending the meetings of the Council, and other conditions of service of such members under sub-sections (1) and (2) of section 8;

(e) the appointment of the Secretary and other employees of the Council under section 12;

(f) the matters referred to in clause (f) of sub-section (1) of section 16,

(g) the rates at which fees may be levied by the Council under section 17 and the manner in which such fees may be levied;

(h) the form in which, and the time within which, the budget and annual report are to be prepared by the Council under sections 20 and 21 respectively;

(i) the manner in which the accounts of the Council are to be maintained and audited under section 23.

(3) Every rule proposed to be made under clause (a) of sub-section (2) shall be laid in draft before each House of Parliament, and no such rule shall come into force until it has been approved, whether with or without modifications, by each House of Parliament

(4) Every rule made under this section other than a rule made under clause (a) of sub-section (2) shall be laid, as soon as may be after it is made before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

27. The Council may make regulations not inconsistent with this Act and the rules made thereunder, for—

(a) regulating the meetings of the Council or any committee thereof and the procedure for conducting the business thereat under section 10;

(b) specifying the terms and conditions of service of the employees, appointed by the Council, under sub-section (2) of section 12;

- (c) regulating the manner of holding any inquiry under this Act;
- (d) delegating to the Chairman or the Secretary of the Council, subject to such conditions as it may think fit to impose, any of its powers under sub-section (3) of section 19,
- (e) any other matter for which provision may be made by regulations under this Act:

Provided that the regulations made under clause (b) shall be made only with the prior approval of the Central Government.

Amend-
ment of
Act 23
of 1867.

28 In sub-section (1) of section 8C of the Press and Registration of Books Act, 1867, for the words "consisting of a Chairman and another member to be appointed by the Central Government", the words and figures "consisting of a Chairman and another member to be nominated by the Press Council of India, established under section 4 of the Press Council Act 1977, from among its members" shall be substituted

STATEMENT OF OBJECTS AND REASONS

The Press Council of India was established in July, 1966 under the Press Council Act, 1965, mainly to preserve the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in the country. During the Emergency, the Press Council was dissolved with effect from the 1st January, 1976.

2. As part of a series of measures now being undertaken by the Government to restore the freedom of the Press and keep up the independent standards of newspapers in the country, it is proposed to revive the Press Council of India. This Bill seeks to establish a Press Council of India and is on the same lines as the Press Council Act, 1965, with the following changes:—

(a) The Chairman of the Council will be nominated by the Chief Justice of India and the other members thereof representing the newspapers and news agencies will be nominated by following a procedure to be specified by rules made under the proposed measure, instead of by a Nominating Committee under the 1965 Act.

(b) The Press Council is being empowered to levy a fee from newspapers and news agencies for the services it proposes to render under the provisions of the proposed measure and the amount realised thereby will be utilised to meet part of the expenses of the Council.

3. The power to appoint the Chairman and a member of the Press and Registration Appellate Board under the Press and Registration of Books Act, 1867, is now vested in the Central Government. It is proposed to confer this power on the Press Council of India.

NEW DELHI;

L. K. ADVANI.

The 20th December, 1977.

FINANCIAL MEMORANDUM

This Bill seeks to establish a Press Council of India. The main object of the Council is to safeguard the freedom of the Press and to maintain and improve the standards of newspapers and news agencies in the country. In pursuance of this objective, the Council has the power to hold inquiries on complaints made to it or otherwise against offending newspapers and news agencies. In the discharge of its functions, the Council will also hold meetings as often as is considered necessary.

2. The Bill contains an enabling provision authorising the Council to levy fees at such rates as may be specified by rules to be notified by the Government from registered newspapers and news agencies for the services it renders and the amount realised thereby will be utilised for meeting a part of the expenditure of the Council. The Bill also provides for grants from Government to meet the excess of expenditure over the income of the Council (clause 18). On the basis of the expenditure incurred by the previous Council, and also taking into account the small initial expenditure involved in the establishment of the Council, it is estimated that the establishment of the Council, will involve a non-recurring expenditure of the order of Rs 35 lakhs and a recurring expenditure of Rs. 59 lakhs. The initial non-recurring expenditure on the establishment of the Press Council will have to be paid to the Council as grants from the Government to enable it to start functioning. Provision would also be made initially for the recurring expenditure for a period of one year in the first instance. Provision in the subsequent years would be considered on the basis of proposals from the Council.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 26 of the Bill empowers the Central Government to make rules to provide, among other matters, for the procedure to be followed for nominating the members of the Press Council to represent newspapers and news agencies, the allowances or fees to be paid to the members of the Council for attending meetings, the other conditions of service of such members, the appointment of the Secretary and other employees of the Council and the rates at which and the manner in which fees may be levied by the Council. It also provides that no such rules shall be made without consulting the Press Council after the Council has been established. Provision has also been made in the Bill that rules providing for the procedure of nomination of the members of the Council representing newspapers and news agencies will not come into force unless they are approved by Parliament.

2. Clause 27 of the Bill empowers the Press Council to make regulations for regulating the meetings of the Council, the procedure for conducting business thereat, the terms and conditions of service of the employees appointed by the Council and for other matters.

3. The matters in respect of which rules and regulations may be made are generally matters of procedure and administrative detail and it is hardly practicable to provide for them in the Bill itself. The delegation of legislative power, is, therefore, nominal in character.

S. S BHALE RAO,
Secretary-General.

